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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,229	08/01/2001	David H. Donovan	10007766-1	6006

7590 06/27/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/921,229

**Applicant(s)**

DONOVAN ET AL.

**Examiner**

Quynh H. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

2. Claims 1-5, 9-13, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Champion (U.S. Patent 6,778,869).

As to claim 1, Champion teaches a remote radio receiver (col. 2, lines 43-44) comprising: audio circuitry that receives a digital audio stream and plays extracted audio signals over a speaker (col. 2, lines 50-55 and col. 3, lines 23-29), wherein the digital audio stream is a radio program received by the remote radio receiver from a personal computer (Fig. 1, 102), the personal computer receiving the radio program from an internet connection (col. 3, line 66 through col. 4, line 8); a user selection interface (col. 2, lines 51-56 and col. 5, line 63 through col. 6, line 11); user control circuitry that generates control signals, as a result of a user interacting with the user selection interface (col. 5, line 63 through col. 6, line 28 - where Champion discussed the remote control unit includes a means to allow user to interact / move with the user selection interface); input/output interface (digital connection 106) that provides connection to the personal computer (col. 4, lines 23-24), wherein the input/output interface forwards the digital audio stream from the personal computer to the audio circuitry (col. 7, lines 42-

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48) and forwards the control signals from the user control circuitry to the personal computer (col. 7, lines 49-57).

As to claims 2, 5, 10, and 13, Champion teaches the user control circuitry comprises a signal encoder (col. 5, lines 9-19). Audio data may be transmitted to subscribers in a variety of ways such as: transmitting the audio data in a digital format to the subscriber's mobile radio via a wireless system or converting the received digital audio data to an analog audio signal and making the analog audio signal audible to a subscriber by an amplifier. The latter one would be one of the preferred method in this case.

As to claims 3 and 11, Champion teaches the user selection interface comprises a volume control (Fig. 3, 302) and a station selection control (Fig. 3, 303).

As to claims 4 and 12, Champion teaches a display for displaying a selected radio station (Fig. 3, 300).

As to claim 9, Champion teaches the steps of: receiving a digital audio stream and plays extracted audio signals over a speaker (col. 2, lines 50-55 and col. 3, lines 23-29), wherein the digital audio stream is a radio program received by the remote radio receiver from a personal computer (Fig. 1, 102) from an internet connection (col. 3, line 66 through col. 4, line 8); generating control signals as a result of a user interacting with the user selection interface (col. 5, line 63 through col. 6, line 28 - where Champion discussed the remote control unit includes a means to allow user to interact / move with the user selection interface); forwarding the control signals from the user control circuitry to the personal computer (col. 7, lines 49-57).

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Claim 17 is rejected for the same reasons as discussed above with respect to claims 1 and 9.

Claims 18-20 are rejected for the same reasons as discussed above with respect to claims 10-12, respectively.

***Claim Rejections - 35 USC § 103***

3. Claims 6-8, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champion (U.S. Patent 6,778,869) in view of Bottum (U.S. Patent 6,014,569).

As to claims 6 and 14, Champion does not explicitly teach the user control circuitry comprises a processor and a memory.

Bottum teaches the user control circuitry comprises a processor (Fig. 1, control processor 317) and a memory (Fig. 1, system memory 313).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that control circuitry comprises a processor and a memory in order to store songs or programs that the user selected.

As to claims 7-8 and 15-16, Bottum teaches a display for displaying a selected radio station (Fig. 1, display 172); wherein the user control circuitry comprises a processor (Fig. 1, 150) and a memory (Fig. 1, memory 180); wherein information for the selected radio station is stored in the memory (col. 7, lines 5-19).

***Response to Arguments***

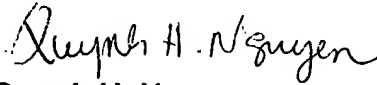
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4. Applicant's arguments filed 2/22/05 with respect to the rejection(s) of claim(s) 1-20 have been fully considered and are persuasive. Therefore, the previous rejection has been withdrawn and new art has been applied.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Quynh H. Nguyen**  
**Patent Examiner**  
**Art Unit 2642**